



Office of the Attorney General
State of Texas

DAN MORALES
ATTORNEY GENERAL

April 27, 1998

Mr. Dean J. Johnson
Police Legal Advisor
Beaumont Police Department
P.O. Box 3827
Beaumont, Texas 77704-3827

OR98-1053

Dear Mr. Johnson:

You ask whether certain information is subject to required public disclosure under the Texas Open Records Act, chapter 552 of the Government Code. Your request was assigned ID# 114321.

The Beaumont Police Department (the "department") received an open records request for "any information involving the investigations surround [sic] the deaths of Michael Paul Dixon, Altre May Williams, Edwin Williams and Amber Taylor. They were killed November 28, 1997 on Waverly Street." You seek to withhold the report pursuant to section 552.108 of the Government Code.

We note initially that the documents submitted to this office include an autopsy report. Section 11 of article 49.25 of the Texas Code of Criminal Procedure provides that autopsy reports, including the full report and detailed findings of an autopsy, are public records. *See* Open Records Decision No. 529 (1989) at 4. Thus, the autopsy report may not be withheld from disclosure.

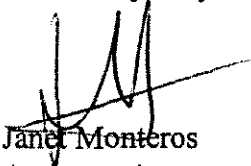
Section 552.108(a) of the Government Code, as amended by the Seventy-fifth Legislature, excepts from required public disclosure "[i]nformation held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if (1) release of the information would interfere with the detection, investigation, or prosecution of crime" You assert that "the investigation is an open continuing investigation." You have explained the circumstances and specifics of the ongoing investigation supporting your contention that the case is pending. Consequently, as you have informed this office that the records at issue pertain to a pending criminal prosecution, we conclude that you have met your burden of establishing that the release of the requested information at this time would interfere with law enforcement or prosecution. You therefore

may withhold most of the requested information at this time pursuant to section 552.108(a)(1).

We note, however, that section 552.108 does not except from required public disclosure "basic information about an arrested person, an arrest, or a crime." Gov't Code § 552.108(c). Because you have raised no other exception to disclosure, the department must release these types of information in accordance with *Houston Chronicle Publishing Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976).¹

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,


Janet Monteros
Assistant Attorney General
Open Records Division

JIM/glg

Ref.: ID# 114321

Enclosures: Submitted documents

cc: Ms. Jenna Jackson
Reporter
Beaumont Enterprise
P.O. Box 3071
Beaumont, Texas 77704
(w/o enclosures)

¹We note that you will release exhibits M-1 through M-8 which consist of newspaper reports and police department documents previously released to the public or otherwise determined to be released to the public.